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REMARKS

Claims 1 -9 and 12-21 are pending in the application. Claims 1 has been amended to include subject matter from canceled Claims 10 and 11. Independent Claims 18 and 21 and dependent Claims 19 and 20 have been added. Support for all amendments can be found in the specification as originally filed. Applicants would like to thank the Examiner for the indication of allowable subject matter and accordingly have included a new independent Claim 18.

In particular, Claim 18 includes subject matter from Claims 13, 14 and 17. Claim 20 has been added to include subject matter from original Claim 1 and that "the syringe retaining mechanism includes at least one adjustable capture members adapted to adjust to and releasably engage the syringe based on syringe initiated actuation." Support for the at least one adjustable capture members adapted to adjust to and releasably engage the syringe "based on syringe initiated actuation," may be found in the specification, including at, page 33, para 4, lines 1-6, page 34, para 3, lines 1-11, page 35, para 1, lines 1-5, page 35, para 2, lines 7-10, page 35, para 4 to page 36 line 3.

REJECTIONS UNDER 35 USC 102(e)

Claims 1-11 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,312,410 to Yamamoto (hereinafter "Yamamoto"). This rejection should be withdrawn in view of the remarks and amendments made herein above.

The Office Action alleges that "Yamamoto discloses a housing 10, drive member 11, plunger 3, syringe 4, syringe retaining mechanism 200, capture members 204/205, actuator member 210 and spring 210."

Yamamoto discloses the structure of the syringe adaptor 200, specifically including holding members 204, 205:

[A] flange receiving part 203 supporting the flange part 5 (see FIG. 1) of the syringe 2 from the rear end and the outer side surface, and a pair of holding members 204 and 205 covering the flange part 5 from the front end of the

syringe 2 thereby supporting the flange part 5 along with the flange receiving part 203 while holding the body part of the syringe 2 along its outer peripheral surface.

The holding members 204 and 205 are rotatably fixed to the body part 201 through fixing holes 204a and 205a, which are provided in first ends thereof, with screws 206 and washers 207 through screw holes 202c and 202d provided on the base part 202 respectively (Col. 6, lines 7-19.)

Yamamoto further discloses that:

[t]he holding member 204, 205 are restricted in the position at which they open to engage the syringe. The holding members 204 and 205 are provided with slots 204b and 205b for limiting open states thereof in the vicinity of the fixing holes 204a and 205a respectively, while the screws 206 and the washers 207 are mounted through screw holes 202a and 202b which are provided on the base part 202.

The first and second levers 210 and 211 are rotatably connected with each other through a pinhole 210b provided on the first lever 210, a pin 211a and the scotch 208. The pin 214 of the first lever 210 is fitted with a spring 219, for regularly maintaining the holding members 204 and 205 in maximum open states when the same are not locked.

In addition, a guide 216 is mounted on a screw hole 202e which is provided in the base part 202 with the screws 206 in the contact portions of the holding members 204 and 205, thereby limiting axial movements of the holding members 204 and 205. (Emphasis added, See Col. 6, lines 37-47.)

Thus, Yamamoto discloses one syringe adaptor embodiment including holding members 204 and 205 that are limited in configuration by a "maximum open state" via first and second levers 210, 211, and in "axial movements" via guide 216. (See Fig.'s 6, 7 and 9) and one syringe embodiment having a flange portion 5 (See Figure 1). As shown in Figure 1, the syringe 4 is aligned such that the two extending flanges 5 on the syringe are positioned to be held by the holding numbers 204, 205. The "flattened" portions between the flanges 5 are not wide enough to be held by the holding numbers 204, 205. Accordingly, the syringe adaptor of Yamamoto is required to be oriented uniquely with respect to the syringe at a position in which flange portion 5 may be inserted between holding members 204, 205 oriented in a "maximum open state" such that first level 210 of the holding member 204 is rotated clockwise... and the rear end

of the outer side of the flange part 5 of the syringe 2 are entirely covered with the flange receiving part 203 and holding members 204 and 205 (Col. 6, lines 54-62). Yamamoto requires that the orientation of the syringe adaptor is specifically limited to one position to engage the syringe. Thus, Yamamoto teaches away from an injector including "a syringe retaining mechanism associated with the housing, the syringe retaining mechanism adapted to releasably engage the syringe regardless of the orientation of the syringe with respect to the injector" of Applicants' independent Claim 1.

Yamamoto does not teach each and every element of Claim 1, therefore the rejection under 35 USC 102(e) should be withdrawn. Reconsideration is respectfully requested.

Regarding Claim 13, as discussed above Yamamoto discloses syringe adaptor 200 including the holding members 204, 205. The syringe 2 is engaged by the holding members 204, 205 via positioning of syringe flange 5 on the flange receiving part 203 of the syringe adaptor 200. Col. 6, lines 52-55. Further, the first lever 210 is rotated such that the flange part 5 is supported between the flange receiving part 203 and holding members 204, 205. Accordingly, Yamamoto teaches that the first lever 210 secures the syringe into the housing independently of any rotation of the syringe. Thus, Yamamoto does not disclose the injector of Applicants' Claim 13 including "a retaining mechanism associated with the housing for releasably engaging the syringe, the retaining mechanism being movable upon rotation of the syringe between a relaxed state, where the syringe is engaged by the retaining mechanism, and a tensioned state, where the syringe is released from the retaining mechanism."

Claims 2-12 depend from Claim 1, which as discussed herein is believed to be allowable. Thus, Claims 2-12 are also believed to be allowable. Accordingly, reconsideration of Claims 2-12 is respectfully requested.

REJECTIONS UNDER 35 USC 102(b)

a. Claims 1, 2, 4, 10 and 11 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,695,271 to Goethel, (hereinafter "Goethel"). This rejection should be withdrawn in view of the remarks and amendments made herein above.

The Office Action alleges that "Goethel discloses a housing 14, drive member 27, syringe retaining mechanism 18 and capture member (annular groove in 18)."

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. See Motorola Inc. v. Interdigital Technology Corp. 43 USPQ2d 1481 (1997 CAFC). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teachings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See. *Jamesbury Corp v. Litton Industrial Products, Inc.* 225 USPQ, 253, 256 (CAFC 1985); *Kalman v. Kimberly-Clark Corp* 218 USPQ 781, 789 (Fed. Cir. 1983)).

However, Goethel discloses an injection power head 14 that is provided with an access door 18. The access door 18 has a receiving chamber 20 for accepting a syringe cartridge 22 when the access door 18 is in the open position. Col. 1, lines 59-63. The syringe is supported in receiving chamber 20. The side 27 of the plunger 26 which faces port 25 has a configuration shaped so as to conform to mating surface 23 of cartridge 22. Col. 2, lines 1-3. Thus, Goethel discloses the access door 18 and the receiving chamber 20 where the syringe must be placed into and removed from the chamber when the door is manually open. In Goethel, the syringe merely lays in the

receiving chamber. Thus, there is no releasable engagement from the syringe retaining mechanism. Therefore, Goethal does not disclose Applicants' invention including "a syringe retaining mechanism associated with the housing, the syringe retaining mechanism adapted to releasably engage the syringe." Additionally, as discussed above Claim 1 has been amended to include that "the syringe retaining mechanism is adapted to releasably engage the syringe in at least one of an axial direction or a vertical direction." Goethal does not disclose such a syringe retaining mechanism of Applicants' invention.

Claims 2 and 4 depend from Claim 1, which as discussed herein is believed to be allowable. Further, Goethal does not disclose that "the syringe retaining mechanism comprises one or more capture members adapted to releasably engage corresponding members of the syringe" of dependent Claim 2 or that "the capture members are resilient or moveable members" of dependent Claim 4. Thus, Claims 2, and 4 are also believed to be allowable. Accordingly, reconsideration of Claims 1, 2, and 4 is respectfully requested as the reference does not disclose each and every element of the claim with sufficient clarity to prove its existence in prior art.

b. Claims 1, 13 and 16 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,545,140 to Conero, (hereinafter "Conero").

The Office Action alleges that Conero discloses "an injector having a housing 10, drive member 24 and syringe retaining mechanism 35."

However, Conero discloses a plunger drive system with "a syringe mounted in the cradle 14 which has a shape such that it will accept the barrels of all of the syringes 12 specified for the pump 10 and align them such that their plunger flanges will contact the plunger driver in a predetermined area on that plunger driver. The cradle has a sloping body side 30 formed as part of the pump 10 body and three barrel retainers 32 which support the barrel and retain it from rolling out of the cradle 14." Col. 3, lines 38-46. Further, "a syringe barrel clamp 38 applies downward pressure on the syringe

barrel 12 as shown in FIGS. 1 and 2. The clamp 38 includes a coil spring 40 in this embodiment which is coupled to the clamp's pivot point. A thumb lever 35 is provided for opening the clamp to permit replacement of the syringe 12. The clamp 38 is mounted above the syringe position in the pump so that a downward force will be applied to the syringe barrel to retain the syringe in the cradle 14 regardless of syringe size." Col. 3, line 65 to Col. 4, line 6.

Therefore, Canero discloses that the syringe is retained by the plunger drive system via a cradle and a syringe barrel clamp 38 that must be opened and closed by a thumb lever 35 by the manual action of the user; there is no actuated engagement cause by movement of the syringe into the plunger drive system. Thus, Canero does not disclose an injector including that "the syringe retaining mechanism is adapted to releasably engage the syringe in at least one of an axial direction or vertical direction" of Applicants' invention of Claim 1.

Further, Canero's syringe barrel clamp 38 that is opened and closed by a thumb lever 35 requires manually moving the barrel clamp between an open and closed position, and does not rely at all on any movement or rotation of the syringe. Thus, Canero does not disclose the injector of Applicants' invention of Claim 13 including "a retaining mechanism associated with the housing for releasably engaging the syringe, the retaining mechanism being movable upon rotation of the syringe between a relaxed state, where the syringe is engaged by the retaining mechanism, and a tensioned state, where the syringe is released from the retaining mechanism."

Claim 16 depends from Claim 13, which as discussed herein is believed to be allowable. Thus, Claim 16 is also believed to be allowable. Accordingly, reconsideration of Claim 13 and 16 is respectfully requested as the reference does not disclose each and every element of the claim with sufficient clarity to prove its existence in prior art.

REJECTIONS UNDER 35 USC 103


Claim 12 stands rejected under 35 USC 103(a) as being unpatentable over Yamamoto or Goethel in view of U.S. Patent 5,383,858 to Reilly et al., (hereinafter "Reilly"). This rejection should be withdrawn in view of the remarks and amendments made hereinabove.

As discussed above, neither Yamamoto nor Goethel disclose Applicants' invention including that of independent Claim 1. Further, Reilly fails to remedy any of the deficiencies of Yamamoto or Goethel.

Further, Claim 12 depends from Claim 1, which as discussed herein is believed to be allowable. Thus, Claim 12 is also believed to be allowable. Accordingly, reconsideration of Claim 12 is respectfully requested.

In view of the above amendments and remarks, Applicants submit that the claims are in condition for allowance and the Examiner would be justified in allowing them.

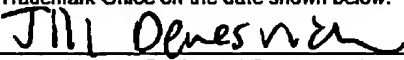
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